

06/06/2001 11:44:43 AM

Page 1

2001 DRAFTING REQUEST**Senate Amendment (SA-SB55)**

Received: 06/05/2001

Received By: nelsorp1

Wanted: As time permits

Identical to LRB:

For: Legislative Fiscal Bureau

By/Representing: Onsager

This file may be shown to any legislator: NO

Drafter: nelsorp1

May Contact:

Addl. Drafters:

Subject: Courts - limitations

Extra Copies:

Submit via email: NO

Requester's email:

Pre Topic:

LFB:.....Onsager -

Topic:

Statute of limitations for civil actions involving sexual abuse of a child

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	nelsorp1 06/05/2001	hhagen 06/06/2001	jfrantze 06/06/2001	_____	lrb_docadmin 06/06/2001		

FE Sent For:

<END>

06/05/2001 03:42:38 PM

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/1	nelsorp1	11 hnh 6/6/01	6/6	6/6			

FE Sent For:

<END>

Attn: Mike Dsida

From: Paul Onoaga

Senator Burke

GENERAL PROVISIONS

Sexual Assault of a Child -- Civil Actions

Motion:

Move to provide that an action to recover damages for injury caused by a sexual assault of a child, engaging in repeated acts of sexual assault of the same child, incest with a child or sexual assault of a student by a school instructional staff person must be commenced within five years after the plaintiff discovers the fact and the probable cause, or with the exercise of reasonable diligence should have discovered the fact and the probable cause, of the injury, whichever occurs first. Provide that this would not shorten the period to commence an action for persons who are under the age of 18 years or are mentally ill.

Note:

Currently, the time limit for bringing a civil action to recover damages for an injury caused by incest is two years after the person discovered the fact and cause of the injury or two years after the person with reasonable diligence should have discovered the fact and cause of the injury. The motion would expand the injuries covered to include other sexual assaults of a child and would extend the time limit for bring an action from two years to five years. The motion is identical to 1999 Senate Bill 304.

2001

Date (time)
needed

Soon (5/5)

LRB b 0618 1 1

**LFB BUDGET AMENDMENT
[ONLY FOR LFB]**

BPN: hnh:

See form **AMENDMENTS — COMPONENTS & ITEMS.**

**LFB AMENDMENT
TO 2001 ASSEMBLY BILL 144 AND 2001 SENATE BILL 55**

>>FOR JT. FIN. SUB. — NOT FOR INTRODUCTION<<

At the locations indicated, amend the bill as follows:

#. Page 1663, line 23: after that line insert:
(insert 1663-23)

#. Page 2, line 1:

#. Page 1795, line 13: after that line insert:
“(5g) ^(CS) Limitation time for child abuse actions. The
treatment of section 893.5-89 of the
statutes first applies to actions
#. Page 1795, line 13 commenced on the effective date
of this subsection.”

#. Page 1795, line 13:

#. Page 1795, line 13:

(END)

1999 SENATE BILL 304

Insert 1663-23

December 8, 1999 – Introduced by Senators BURKE, CLAUSING, DARLING, ERPENBACH, HUELSMAN, PLACHE, ROESSLER and ROSENZWEIG, cosponsored by Representatives KELSO, BERCEAU, BOCK, HUBER, MILLER, RICHARDS, STASKUNAS, SUDER and WASSERMAN, by request of Wisconsin Coalition Against Sexual Assault. Referred to Committee on Judiciary and Consumer Affairs.

1 AN ACT to amend 893.587 of the statutes; relating to: a civil action for the
2 recovery of damages for sexual assault to a child.

Analysis by the Legislative Reference Bureau

Currently, the time limit for bringing a civil action to recover damages for an injury caused by incest is two years after the person discovered the fact and cause of the injury or two years after the person with reasonable diligence should have discovered the fact and cause of the injury. This bill expands the injuries covered to include incest with a child, sexual assault of a child, repeated acts of sexual assault of the same child and sexual assault of a student by a school instructional staff person. The bill also extends the time limit for bringing an action from two years to five years.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

3862g
11 SECTION X. 893.587 of the statutes is amended to read:

3
4
5 893.587 Incest Sexual assault of a child; limitation. An action to recover
6 damages for injury caused by incest an act that would constitute a violation of s.
948.02, 948.025, 948.06 or 948.095 shall be commenced within 2 5 years after the

Please
proof
this
section
with
1663-23

SENATE BILL 304

SECTION 1

1 plaintiff discovers the fact and the probable cause, or with the exercise of reasonable
2 diligence should have discovered the fact and the probable cause, of the injury,
3 whichever occurs first. This section does not shorten the period to commence an
4 action provided under s. 893.16 (1). " " .

SECTION 2. Initial applicability.

5
6 (1) This act first applies to actions commenced on the effective date of this
7 subsection.

8
(END)

LFB:.....Onsager – Statute of limitations for civil actions involving sexual abuse of a child

FOR 2001–03 BUDGET — NOT READY FOR INTRODUCTION

LFB AMENDMENT

TO 2001 SENATE BILL 55 AND 2001 ASSEMBLY BILL 144

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 1663, line 23: after that line insert:

3 “**SECTION 3862q.** 893.587 of the statutes is amended to read:

4 **893.587 Incest Sexual assault of a child; limitation.** An action to recover
5 damages for injury caused by incest an act that would constitute a violation of s.
6 948.02, 948.025, 948.06, or 948.095 shall be commenced within 2 5 years after the
7 plaintiff discovers the fact and the probable cause, or with the exercise of reasonable
8 diligence should have discovered the fact and the probable cause, of the injury,
9 whichever occurs first. This section does not shorten the period to commence an
10 action provided under s. 893.16 (1).”.

11 **2.** Page 1795, line 13: after that line insert:

(END)